

May 28, 2010

VIA ECF

Honorable William D. Wall
United States Magistrate Judge
United States District Court
824 Federal Plaza
Central Islip, New York 11722

Re: *Plasma Physics Corp. et al. v. Chi Mei Optoelectronics Corp. et al.*,
Civil Action No. 2:08-CV-1628

Dear Judge Wall:

On February 16, 2010, Your Honor adjourned the pretrial conference in this action without date, deferring adoption of new deadlines until after Special Master Rando had issued his Report and Recommendation (“R & R”) on claim construction. You directed that the parties notify the Court upon receipt of the R & R.

We write to inform you that Special Master Rando has now issued his R & R and instructed that the parties file objections by June 7, 2010. The parties have therefore met and conferred to suggest to Your Honor agreed upon new proposed deadlines in the case. In arriving at a new proposed schedule, we set the time between events to be consistent with the periods between events in Your Honor’s previous Order.

While the parties agree to the dates as set forth below, the parties have a dispute regarding whether or not responses to the Rule 53 objections to the Special Master’s R & R should be allowed. It is Plaintiffs’ position that such a response should be allowed, so that the Court has a balanced view of the issues, and further because such responses were allowed and filed in the prior litigations in this Court relating to the same asserted patents (*see, e.g., Plasma Physics Corporation et al v. Agilent Technologies, Inc.* (2:02-cv-03456-LDW-WDW), Dkt. No. 98). Defendants submit that response briefs are unnecessary because the parties already well know each other’s positions and arguments on claim construction by virtue of the lengthy briefs and opposition briefs submitted to Special Master Rando and the three day hearing he conducted on claim construction. Should Your Honor determine to provide and set a deadline for filing responses to objections to Special Master Rando’s R & R, the parties propose June 21, 2010 (two weeks after the objections are due).

The previous deadlines and the new deadlines agreed-to and jointly proposed by the parties are set forth below:

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Event	Previous Deadline	New Proposed Deadline
Rule 26 disclosures regarding case-in-chief experts; Expert discovery opens	March 15, 2010	June 10, 2010
Rule 26 disclosures regarding rebuttal experts	April 15, 2010	July 12, 2010
Expert discovery closes	May 14, 2010	August 9, 2010
Last day to file letter requests to file dispositive motions	May 31, 2010	August 26, 2010
Court holds pretrial conference	July 2010	October 2010
Trial ready date	July 2010	October 2010

Please let us know if Your Honor would find short letter briefs from the parties helpful in resolving the disputed issue regarding submission of responses to the Rule 53 objections.

Respectfully submitted,

/s/ Jennifer C. Tempesta

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/s/ John J. Lauter

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